people are an inspiration to their communities and their fellow students. They have proven there is no obstacle you cannot overcome, and that you should always pursue your dreams.

I commend them and the entire town of Eureka for their achievement, and hope to see even more Discover Card Tribute Award winners from South Dakota in the future.

RECOGNIZING COURTNEY STADD

Mr. STEVENS. Mr. President, I would like to a moment of the Senate's time to recognize someone who has served our Nation with great dignity, humility and energy. For more than two decades, Mr. Courtney Stadd has worked tirelessly to secure America's future in technology, aeronautics, and space. His leadership as a team builder, policymaker, entrepreneur, and senor administration official are evidenced around this city, our Nation and in the horizons that surround the Earth.

In my home State of Alaska, Mr. Stadd helped guide the construction of Kenai and the Alaskan Spaceport Authority. As a board member, he played a critical role in enabling America's newest spaceport to serve the well-being of commercial, public sector, and military interests.

As a member of the Reagan and Bush administrations he was an active voice and proponent for creating commercial markets in geospatial imagery, launch services, information technology and other critical sectors that will advance America's economic far into the 21st century.

In his service to this President, Mr. Stadd led the transition team for NASA and ultimately assumed the role of National Aeronautics and Space Administration, NASA, Chief of Staff/White House Liaison. In this role, he served then administrator, Mr. Dan Goldin—working to support missions and nationwide personnel through the September 11th attacks and anthrax threat, which struck NASA Headquarters, just blocks away from this very body. He served Administrator Goldin until the end of his tenure in November 2001 and provided for a smooth and orderly transition for NASA's current administrator, my friend, Mr. Sean O'Keefe.

During his transition into NASA, Administrator O'Keefe found a valued partner and ally to support his vision and charge for fundamental management and financial reform within the agency. He asked Courtney to lead the Freedom to Manage Initiative, which focused on empowering NASA's extraordinary workforce to identify policies and regulations that impeded performance. The administrator also took advantage of Stadd's distinguished commercial background and asked for his assistance in restructuring NASA's accounting systems and management strategies. Both efforts have put NASA on solid ground and will enable the agency that revealed the secrets of the heavens to once again soar without abandon.

His service to this administrator and its workforce know no boundary and for that reason, Mr. O'Keefe called upon Courtney's talents and energies for support during the Columbia accident and its subsequent investigation. His care for the crew, their families, and the entire NASA workforce truly distinguished itself during some very challenging days.

As my words have chronicled, Courtney Stadd has been a faithful and valuable colleague for Administrator O'Keefe and the NASA workforce to depend upon. He has been a model to his peers and colleagues at NASA, the aerospace community and throughout the administration of integrity and poise in service to the American public. We are blessed in a Nation as bountiful as this one to have people such as him who take upon the cloak of public service and perform so admirably.

In the coming days, Mr. Stadd will be departing from his position at NASA to return to private life. As he leaves public service, the Members of this body and administration should pause to recognize him for his distinguished service. He has contributed much in his distinguished career to better America and I am greatful to honor him today.

I wish him well in all of his endeavors.

SUPREME COURT DECISION IN MICHIGAN

Mr. DURBIN. Mr. President, I rise in praise of yesterday's Supreme Court decision in the Michigan case—the most important affirmative action case in a generation. I along with 11 of my colleagues—Senators DASCHLE, KENNEDY, CLINTON, CORZINE, EDWARDS, FEINGOLD, KERRY, LANDRIEU, LAUTENBERG, SCHUMER, and STABENOW—filed an amicus brief in support of the university's affirmative action programs.

I am disappointed that the Court struck down the undergraduate admissions program, but I believe that the opinion upholding the law school program represents a significant victory for affirmative action and for America.

The Court's decision reaffirms the compelling interest in racial and ethnic diversity—universities may continue to include race as one factor among many when selecting its students. Diversity programs promote the integration and full participation of all groups in our society. The core holding of Grutter v. Bollinger, the law school case, and Gratz v. Bollinger, the undergraduate case, boils down to this: universities must look at each applicant individually.

Michigan Law School's program was upheld because the law school performs an individualized consideration of every applicant. Race is considered, but not in a mechanical manner. The University of Michigan's undergraduate program was struck down because the Court said its point system was too rigid and too mechanical. The bottom line is that university affirmative action—when done right—is alive and well in America. Not surprisingly, the law school opinion was 5–4 and, not surprisingly, Justice O'Connor was the swing vote. She has been the crucial swing vote in so many important Supreme Court cases over the past 20 years that she is now routinely referred to as ''the most powerful jurist in America,'' and indeed, as ''the most powerful woman in America.'' Both descriptions may well be true.

I would like to briefly discuss what I think are the three most important aspects of yesterday's decision.

First, the Court set out a clear roadmap for affirmative action. The question is no longer whether race can be used to further diversity, but how it can be used. The majority of universities are already practicing affirmative action the right way. As discussed in today's Washington Post, most universities currently have admissions programs that are similar to Michigan Law School's. And for those that don't, a quick fix would be to go out and hire more admissions officers. Many universities have large endowments, so I am confident they have the ability to hire a few more staff. As a result, they will be able to conduct the flexible, individualized analysis that the Court now demands.

I personally agree with Justice Souter's dissent in the undergraduate case—their point system is a far cry from the quota system that was struck down in Bakke. Underrepresented minorities automatically get 20 points out of a possible 150, but so do athletes, low-income applicants, and those who attended disadvantaged high schools. To me, this type of point system does not seem unconstitutional.

But in any event, universities now have clear guidance. I think Justice Scalia will be proven wrong in his dire prediction that the Michigan decisions will lead to an avalanche of new affirmative action litigation.

Another important aspect of yesterday's decision is that it recognizes the value of diversity not only on campus, but for other critical areas of our society as well. Eliminating affirmative action in universities would have harmful ripple effects for the nation.

For universities, the Court noted that ''classroom discussion is livelier, more spirited, and simply more enlightening and interesting'' when the students have ''the greatest possible variety of backgrounds.''

For society at large, diversity has even more tangible benefits. Citing to an amicus brief filed by a large number of Fortune 500 companies, Justice O'Connor wrote that ''American businesses have made clear that the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints.''

Referencing an amicus brief filed by dozens of retired U.S. military leaders—including Generals Norman Schwarzkopf, John Shalikashvili, Hugh Shelton, Anthony Zinni, and Wesley Clark—the Court wrote that ''high-ranking retired officers and civilian leaders of the United States military assert that, 'based on their decades of experience,' a 'highly qualified, racially diverse officer corps . . . is essential to the military's ability to fulfill its principle mission to provide national security' ''.

In addition, the Court brought the issue of diversity close to home. Noting that law schools represent ''the training ground or a large number of our Nation's leaders,'' the Court observed that individuals with law degrees occupy more than half the seats in the United States Senate (59), a third of the seats in the House of Representatives (161), and roughly half the state governorships.

A third important aspect of yesterday's decision is the rejection of the Bush Administration's position that both Michigan programs were unconstitutional and should be struck down. It gives you an idea of how conservative the Bush Administration is. Even this Supreme Court—in which 7 of 9 members were appointed by Republican Presidents—rejected its arguments.

Contrary to the misleading assertions of President Bush and other opponents of affirmative action, the Court held that Michigan Law School's policy of seeking a ''critical mass'' of minority students did not as a de facto quota.

Between 1993 and 2000, the number of African Americans, Native Americans, and Latinos in each class varied from 13% to 20%. As the Court noted, diminishing stereotypes about ''minority viewpoints'' is ''a crucial part of the Law School's mission, and one that it cannot accomplish with only token numbers of minority students.''

The Court also rejected the Bush Administration's position that you could attain diversity through race-neutral means, such as the ''percentage plans'' in Texas, Florida, and California, which guarantee admission to all student about a certain class-rank threshold in every high school in the state.

The Court rejected this argument for two main reasons: 1, percentage plans don't work for graduate and professional schools, and 2, they are, ironically, even more mechanical and inflexible than the Michigan undergraduate program.

The Court shot down another central argument of the Bush Administration—that affirmative action programs were invalid unless they had a definitive end date. As Justice O'Connor observed: ''It has been 25 years since Justice Powell first approved the use of race to further an interest in student body diversity in the context of public higher education. Since that time, the number of minority applicants with high grades and test scores has indeed increased. We expect that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today.''

I hope that Justice O'Connor is right.

The Michigan case is yet another reminder of the fragile balance on the Supreme Court, and how high the stakes will be if a Justice retires.

If there were a switch of a single Justice in yesterday's case, things would be dramatically different today. If there had been a fifth vote to end race-conscious affirmative action in America's universities, we would face a sudden reduction in minority students on our Nation's college campuses, especially at the elite ones.

The dean of Georgetown Law School—my alma mater—speculated yesterday that if the decision had gone the other way, Georgetown's minority enrollment would have been cut in half.

America cannot afford to turn back the clock on opportunity for all of our citzens and—by a 5–4 margin—the Supreme Court agrees.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on October 8, 2001. In Hyannis, MA, a 31-year-old man attacked two convenience store clerks from Pakistan. The suspect walked into the store, approached the two clerks and asked them if they were from Pakistan. The two men responded affirmatively, which further enraged the suspect. The perpetrator began cursing and accusing the pair for ''almost killing'' his family and attacking the United States. One of the clerks attempted to calm the man down and led him outside. Once outside, the man punched the clerk, sending him to the ground. The attacker proceeded to kick him until the second clerk rushed outside to halt the attack. The man was later arrested by police.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

VIOLENCE AGAINST WOMEN OFFICE

Mr. BIDEN. Mr. President, I rise to speak today to mark several important developments in our Nation's fight to end domestic violence, sexual assault, and stalking. First, I recently had the honor of addressing domestic violence advocates from across the country who have convened in Washington, DC, to attend the annual meeting of the National Network to End Domestic Violence. These are the women and men on the front lines, transforming the Violence Against Women Act from words on a piece of paper into real solutions for battered women and children.

These advocates witness the terrible toll of family violence. They, in essence, know the statistics by heart. Statistics like 20 percent of all nonfatal violence against females over 12 years of age were committed by intimate partners, according to government statistics released in February 2003. Or the statistics that tell us that in 2000 alone, 1,247 women were killed by an intimate partner. These advocates experience what the studies confirm; that is, in almost half of the households with domestic violence, there are children under the age of 12.

In the face of such daunting numbers, I was pleased to tell these advocates that our fight for an independent and separate Violence Against Women Office is over. I have been assured by Attorney General Ashcroft that his department will comply with the directive for an independent office that was in the law passed by the Congress last session. I want to make clear that my Violence Against Women Office Act and subsequent push to ensure compliance was not a fight about office space or bureaucratic in-fighting. I introduced this legislation because I know that a separate office means that the office's leadership and agenda cannot be marginalized or pushed to a back office. A separate office means that violence against women issues stay at the forefront and that its director appointed by the President and confirmed by the Senate will have an office with the stature and status to use it as the bully pulpit on domestic violence issues that I intended when I authored the Violence Against Women Act.

Nor is the independent office simply a Joe Biden issue. The Violence Against Women Office Act was voted on favorably—with no objections—in the Senate Judiciary Committee. The act passed unanimously in the Senate and passed overwhelmingly in the House. The mandate for freestanding Violence Against Women Office is Congress' law, not a whim.

Despite the law's clear language and intent, the Department of Justice formally announced in February 2003 that it ''interpreted'' the new law to permit the office to remain as a part of the Office of Justice Program, the arm of the Justice Department which handles grant making, rather than implementing significant policy decisions. I vigorously protested this ''interpretation,'' informing the Justice Department that it was inconsistent with both the plain letter of the law, as well as congressional intent. In fact, I personally called Attorney General